

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 208, 215, 220, 355 and 356 of said Code, proposes to amend Section 300(a) and repeal Section 502.1, Title 14, California Code of Regulations, relating to Resident Upland Game Birds and North Coast Canada Goose Hunt.

Informative Digest/Policy Statement Overview

Section 300(a)

1. Permit Ranges for Sage Grouse

Existing regulations [section 300(a)(1)(D)(4)] allow 200 two-bird permits for the East Lassen Zone, 75 two-bird permits for the Central Lassen Zone, 25 one-bird permits for the North Mono Zone, and 25 one-bird permits for the South Mono and Inyo Zone. Under the current regulatory cycle, the first Fish and Game Commission notice hearing date for sage grouse regulation changes occurs in May. However, the final sage grouse population survey results are not available until after the date that the Department must submit proposed regulation changes to the Commission. The Department proposes a range of maximum and minimum hunting permit numbers to the Commission, with the provision that the actual number of permits recommended for each hunt will be based on April strutting ground and June brood count surveys.

The proposed ranges are 10 to 375 permits for the East Lassen Zone, 10 to 175 permits for the Central Lassen Zone, 10 to 100 permits for the North Mono Zone, and 10 to 100 permits for the South Mono and Inyo Zone.

Section 502.1

The proposed changes in goose regulations in Humboldt and Del Norte counties eliminate the limited entry, 9-day September season in Humboldt County in preparation for a general 5 day Canada goose season in Humboldt and Del Norte counties during the Balance of State Zone goose season. This change is dependent on federal action to allow the modification of the existing federal regulations.

Existing regulations (Section 502.1 Title 14, CCR) provide for a 9-day, permit only hunt for Canada geese in Humboldt County. Other existing regulations (Section 502 (D), Title 14, CCR) prohibit the take of Canada geese in Humboldt and Del Norte counties during the goose season in the Balance of State Zone.

The proposed change is dependent upon approval by the Flyway Council and the Service. Consideration of the proposal will be made by those entities by August 1, 2002.

The proposal would allow the take of 1 Large or Small Canada goose during a 5 day period of the regular Balance of State Zone goose season. This proposal would allow for greater hunter opportunity and is intended to reduce complaints of depredations by geese on agricultural lands. The shorter season and lower bag limit are necessary to

conserve the locally nesting population of Western Canada geese.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Lakeland Village Beach and Mountain Resort, Lakeshore Room, 3535 Lake Tahoe Blvd., South Lake Tahoe on Thursday, June 20, 2002, at 10:00 a.m. or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City hall, City Council Chambers, 990 Palm Street, San Luis Obispo, on Friday, August 2, 2002, at 8:30 a.m. or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before July 26, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 2, 2002 at the hearing in San Luis Obispo. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding phone number. John Carlson, Department of Fish and Game, (916) 358-2794 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Section 300(a)

The nature of these regulatory changes is directed at wise stewardship and would have no significant adverse effect on businesses.

Section 502.1

- i. Allow the hunting of Canada Geese (Large or Small) during the entire Balance of State zone goose season in Humboldt and Del Norte counties with a daily bag limit of 1 Large or Small Canada goose.
 - ii. Allow the hunting of Canada Geese during the entire Balance of State zone goose season in Humboldt and Del Norte counties with the same Canada goose bag limits as in the rest of the Zone (a daily bag limit of 2 dark geese which may include only one small Canada goose).
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
- The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John M. Duffy
Assistant Executive Director

Date: May 21, 2002